

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

THE ONEIDA GROUP INC.

Plaintiff,

- against -

STEELITE INTERNATIONAL U.S.A. INC.,
TABLEWERKS, INC., RICHARD ERWIN, STEVEN
LEFKOWITZ, and ANTHONY DELOSREYES

Defendants.

Civil Action No.: 2:17-cv-00957
(ADS) (AKT)

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S MOTION FOR LEAVE
TO FILE A RESPONSE TO STEELITE INTERNATIONAL U.S.A. INC.'S
POST-HEARING SUBMISSION OF ADDITIONAL DOCUMENTS**

Plaintiff The Oneida Group Inc. (“Oneida”) respectfully files this memorandum of law in support of its motion for leave to submit a response to Defendant Steelite International U.S.A. Inc.’s (“Steelite”) recent post-hearing submission of additional documents Steelite calls “Exhibits” MM and NN. (DE 78-1, 78-2.) Steelite submitted these papers two weeks after the close of the April 10-14 hearing on Oneida’s motion for a preliminary injunction.

Steelite itself made the following request of the Court and parties as the April 10-14 hearing was closing:

I don’t want to create a situation in which any additional evidence comes in. I’m suggesting a 25-page proposed findings and conclusions of law that is *limited exclusively to the evidence of record* as developed by this proceeding this week.

Tr. (April 14) at 921 (emphasis added). The Court responded: “I’m not going to hear anything more on the merits of this.” *Id.* Oneida complied and has not offered additional exhibits.

If the Court grant’s Oneida the requested leave, Oneida’s response will not exceed three pages and will explain (i) that Oneida has not “admitted” that it has no trade dress, as Steelite argues, and (ii) why Oneida’s correspondence with Vertex further supports Oneida’s trade dress claim.

Oneida conferred with Steelite, and yesterday afternoon Steelite confirmed that it will not withdraw its submission of MM and NN.

Dated: May 9, 2017

Respectfully submitted,

MILBANK, TWEED, HADLEY & MCCLOY LLP

By: /s/ Christopher J. Gaspar

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Memorandum of Law in Support of Plaintiff's Motion for Leave to File a Response to Steelite International U.S.A. Inc.'s Post-Hearing Submission of Additional Documents* was electronically filed on May 9, 2017. Notice of this filing will be sent to all parties by operation of the Court's CM/ECF system.

/s/ Christopher J. Gaspar

Christopher J. Gaspar